

Burke Shire Council

Subordinate Local Law No. 1 (Administration) 2013



Contents

Part 1	Preliminary	3
Part 2	Approvals for prescribed activities	4
Schedule 1	Prescribed activities that do not require an approval under the authorising local law	6
Schedule 2	Categories of prescribed activities for the purposes of maximum penalties	7
Schedule 3	Categories of approval that are non-transferable	8
Schedule 4	Prescribed complementary accommodation	9
Schedule 5	State-controlled roads to which the local law applies	10
Schedule 6	Public place activities that are prescribed activities	11
Schedule 7	Alteration or improvement to local government controlled areas and roads	12
Schedule 8	Commercial use of local government controlled areas and roads	14
Schedule 9	Establishment or occupation of a temporary home	16
Schedule 10	Installation of advertising devices	18
	1 Prescribed activity	18
	2 Activities that do not require approval under the authorising local law	18
	3 Documents and materials that must accompany applications for approval	18
	4 Additional criteria for the granting of approval	18
	5 Conditions that must be imposed on approvals	18
	6 Conditions that will ordinarily be imposed on approvals	19
	7 Term of approval	19
	8 Term of renewal of approval	19
Schedule 11	Keeping of animals	20
Schedule 12	Operation of camping grounds	22
Schedule 13	Operation of cane railways	25
Schedule 14	Operation of caravan parks	26
Schedule 15	Operation of cemeteries	29
Schedule 16	Operation of public swimming pools	32
Schedule 17	Operation of shared facility accommodation	35

Schedule 18	Operation of temporary entertainment events	41
Schedule 19	Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery	44
Schedule 20	Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery.....	46
Schedule 21	Undertaking regulated activities regarding human remains— (c) disturbance of human remains in a local government cemetery 48	48
Schedule 22	Undertaking regulated activities on local government controlled areas and roads— (a) driving or leading of animals to cross a road	50
Schedule 23	Undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials	52
Schedule 24	Undertaking regulated activities on local government controlled areas and roads— (c) holding of a public place activity prescribed by subordinate local law.....	54
Schedule 25	Bringing or driving motor vehicles onto a park or reserve.....	56
Schedule 26	Bringing or driving prohibited vehicles onto motor vehicle access areas	57
Schedule 28	Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee	59
Schedule 29	Parking in a loading zone by displaying a commercial vehicle identification label	60
Schedule 30	Carrying out works on a road or interfering with a road or its operation	61
1	Prescribed activity.....	61
2	Activities that do not require approval under the authorising local law	61
3	Documents and materials that must accompany applications for approval	61
4	Additional criteria for the granting of approval.....	61
5	Conditions that must be imposed on approvals	61
6	Term of approval.....	62
7	Term of renewal of approval.....	62

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1 (Administration) 2013*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2013* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2013* (the **authorising local law**).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

Part 2 Approvals for prescribed activities

5 Prescribed activities that do not require an approval—Authorising local law, s 6(3)

For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the prescribed activities listed in schedule 1.

6 Categories of prescribed activities for the purposes of maximum penalties—Authorising local law, s 6(4)

For section 6(4) of the authorising local law, it is declared that—

- (c) the prescribed activities listed in part 1 of schedule 2 are category 1 activities; and
- (d) the prescribed activities listed in part 2 of schedule 2 are category 2 activities; and
- (e) the prescribed activities listed in part 3 of schedule 2 are category 3 activities.

7 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 3 are non-transferable.

8 Prescribed complementary accommodation—Authorising local law, schedule 1

For the purposes of the definition of *complementary accommodation* in schedule 1 of the authorising local law, the accommodation listed schedule 4 is prescribed as appropriate for caravan parks.

9 State-controlled roads to which the local law applies—Authorising local law, schedule 1

For the purposes of the definition of *road* in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 5 are roads to which the authorising local law applies unless otherwise provided in the local law.

9 Public place activities that are prescribed activities—Authorising local law, schedule 2, part 2

For the purposes of paragraph (c) of the definition of *regulated activities on local government controlled areas and roads* in part 2 of schedule 2 of the authorising local law, the holding of a public place activity listed in schedule 6 is a prescribed activity.

10 Matters regarding prescribed activities—Authorising local law, ss 6(3),

8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) For each prescribed activity, a schedule prescribes the matters specified in this section for the prescribed activity named in section 1 of the schedule.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to an activity stated in section 2 of the schedule relating to the prescribed activity.
- (3) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of the schedule relating to the prescribed activity.
- (4) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for a prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of the schedule relating to the prescribed activity.
- (5) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for a prescribed activity are stated in section 5 of the schedule relating to the prescribed activity.
- (6) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for a prescribed activity are stated in section 6 of the schedule relating to the prescribed activity.
- (7) For section 13(a) of the authorising local law, the term of an approval for a prescribed activity is provided for in section 7 of the schedule relating to the prescribed activity.
- (8) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for a prescribed activity is provided for in section 8 of the schedule relating to the prescribed activity.
- (9) For section 12 of the authorising local law, in Table 1 of the schedule relating to a prescribed activity—
 - (f) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (g) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (h) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

Schedule 1 Prescribed activities that do not require an approval under the authorising local law

Section 5

‘Operation of cane railways’

Schedule 2 Categories of prescribed activities for the purposes of maximum penalties

Section 6

Part 1 Category 1 activities

Prescribed activities for which the penalty for not having an approval will be 50 penalty units under section 6(2) of the authorising local law. For example–

- 1 Alteration or improvement to local government controlled areas or roads.
- 2 Commercial use of local government controlled areas and roads.
- 3 Establishment or occupation of a temporary home.
- 4 Installation of advertising devices.
- 5 Keeping of animals.
- 6 Undertaking regulated activities regarding human remains.
- 7 Undertaking regulated activities on local government controlled areas and roads.

Part 2 Category 2 activities

Prescribed activities for which the penalty for not having an approval will be 200 penalty units under section 6(2) of the authorising local law.

- 8 Operation of camping grounds.
- 9 Operation of caravan parks.
- 10 Operation of cemeteries.
- 11 Operation of public swimming pools.
- 12 Operation of shared facility accommodation.
- 13 Operation of temporary entertainment events.

Part 3 Category 3 activities

Prescribed activities for which the penalty for not having an approval will be 500 penalty units under section 6(2) of the authorising local law.

- 14 None at this stage

Schedule 3 Categories of approval that are non-transferable

Section 7

Categories of approval for a prescribed activity that the local government wishes to be non-transferable, include—

1. Approvals to operate a camping ground.
2. Approvals to operate a caravan park.
3. Approvals to operate a public swimming pool.
4. Approval to have 3 dogs

Schedule 4 Prescribed complementary accommodation

Section 8

Complementary accommodation that is approved for all caravan parks within the local government's area. These types of accommodation will therefore be covered by an approval to operate a caravan park. For example—

accommodation in—

- (a) a converted railway carriages; or
- (b) demountable accommodation units.

Schedule 5 State-controlled roads to which the local law applies

Section 9

[Insert any State-controlled roads to which the local law applies. Note that these roads can only be listed here if the chief executive has given written agreement under section 66(5)(b) of the Transport Operations (Road Use Management) Act 1995.]

An approval cannot be granted for a State-controlled road unless the chief executive agrees in writing.

There are no approvals in place at this stage.

Schedule 6 Public place activities that are prescribed activities

Section 10

These prescribed activities should require approval for one-off public place activities (both for profit and not for profit) and ongoing public place activities that are not for profit, provided the activities are not for public entertainment. For example –

1. An invitation-only ceremony, party or celebration attended by more than 20 people.
2. A cake stall, sausage sizzle, car wash or similar fundraiser held on no more than 1 day.
3. A training event held on no more than 1 day.
4. A training event held on more than 1 day without payment of a fee.
5. A display, demonstration or information booth.
6. A right of occupation and use of a specified part of a park or reserve by a sporting association.
7. A procession associated with a special event usually occurring on a single day

Schedule 7 Alteration or improvement to local government controlled areas and roads

Section 11

1 Prescribed activity

Alteration or improvement to local government controlled areas and roads

2 Activities that do not require approval under the authorising local law

[In this section, list any activities that fall within the overall category of this prescribed activity that the local government does not require an approval for. This might exempt activities of a certain type, activities that are in a particular location (e.g. outside urban areas, or in a specified locality), activities of a certain size (e.g. smaller operations) or activities that meet specified criteria.

NOTE: Where the prescribed activity is one mentioned in section 5(c) of the authorising local law and relates to an activity for which an Act authorises the local government to give an approval then this section must be marked “not applicable”. The scope for exempting activities under section 6(3) of the authorising local law applies only to prescribed activities prescribed under local laws (i.e. section 5(a) and 5(b) prescribed activities). If they relate to approvals under an Act then the local government cannot make exemptions to the requirement for an approval, for example, parking permits under TORUM Act and works or interference on roads under the Local Government Act 2009.]

3 Documents and materials that must accompany applications for approval

An application for an approval to make an alteration or improvement to a local government area or road must include or be accompanied by—

- (a) the name and address of the applicant and, if the applicant is a body corporate or a partnership, the name and address of an individual who is authorised by the applicant to act on its behalf; and
- (b) full details of the proposed alteration or improvement; and
- (c) if the applicant proposes to erect or install a structure on, over or under the road— plans and specifications of the structure; and
- (d) details of building or other work to be carried out under the approval; and

4 Additional criteria for the granting of approval

Additional criteria with which applications for approval for the prescribed activity must be consistent and must satisfy the local government must be satisfied before an approval is granted.

For example –

For alteration or improvement to a local government controlled area— the alteration or improvement would not unduly interfere with the usual use of the area or the amenity of the area.

5 Conditions that must be imposed on approvals

The conditions of an approval must—

- (a) require compliance with specified safety requirements; and
- (b) require the holder of the approval to carry out specified additional work such as earthwork and drainage work; and
- (c) regulate the time within which work must be carried out; and
- (d) require the holder of the approval to give the local government specified indemnities; and
- (e) require the holder of the approval to take out specified insurance indemnifying persons who may suffer personal injury, or loss or damage, as a result of the work; and
- (f) require the holder of the approval to maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
- (g) require the holder of the approval to remove a structure erected or installed under the approval at the end of a stated period.

6 Term of approval

An approval is granted for a term specified in the approval.

7 Term of renewal of approval

The local government may, from time to time, on application renew an approval for a further term.

Schedule 8 Commercial use of local government controlled areas and roads

Section 11

1 Prescribed activity

Commercial use of local government controlled areas and roads

2 Activities that do not require approval under the authorising local law

An approval is not required under this local law for —

- (a) a business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business; and
- (b) a person who is authorised to carry on a business under the *Transport Infrastructure Act 1994*; and
- (c) using a road for a particular purpose if the use constitutes development under the *Sustainable Planning Act 2009*.

3 Documents and materials that must accompany applications for approval

An application for an approval must include or be accompanied by—

- (a) details of the nature, time and place of the proposed activities for which the approval is sought; and
- (b) if the applicant wants to use a particular part of a road for serving food or drink or for other business purposes—a plan showing the relevant part of the road; and
- (c) must also include or be accompanied by details of the type of signage which is intended to be displayed and the method intended to be used to ensure stability of the signage.

4 Additional criteria for the granting of approval

The local government may grant an approval if satisfied that—

- (a) the activities for which the approval is sought would not unduly interfere with the proper use of a road; and
- (b) the activity would not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (c) the activity would not adversely effect the amenity of the surrounding area.

5 Conditions that must be imposed on approvals

The conditions of an approval must include—

- (a) restrict activities under the approval to specified days and times; and
- (b) prohibit or limit activities under the approval during periods of poor visibility; and
- (c) limit the activities authorised by the approval to a single specified location or to a specified area; and

- (d) require the holder of the approval to display the approval in a specified position or to produce the approval for inspection on demand by an authorised person or, if the approval relates to a State-controlled road, a person authorised by the chief executive; and
- (e) require the holder of the approval to take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (f) require the holder of the approval to take out insurance against personal injury or property damage resulting from activities authorised by the approval; and
- (g) require the holder of the approval to take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and
- (h) if the approval relates to an activity on a road—require the approval holder to indemnify the State; and
- (i) if the approval authorises the holder to use a specified part of a road for carrying on a business—require the approval holder to pay specified rental to the local government at specified intervals.

Example of a condition under subsection (2)(g)—

If an approval authorises use of a road for serving food or drink, the condition could, for example, require the approval holder to provide and maintain receptacles for waste and to clean the area thoroughly at the conclusion of business on each day.

6 Conditions that will ordinarily be imposed on approvals

Conditions that will ordinarily be imposed on approvals may require the holder of the approval to dispose of waste in a particular way

7 Term of approval

An approval will be granted or renewed for—

- (a) in the case of an application for an approval for a single occasion—the period stated in the approval; or
- (b) in the case of an application for an approval to continually operate a commercial activity on roads—until the next 30 June following the grant or renewal of the approval.

8 Term of renewal of approval

The local government may, from time to time, on application by the operator renew the approval.

However, the local government must, on application for renewal of an approval made before the end of the term for which the approval was granted or last renewed, renew the approval for a further term unless—

- (a) the local government has given the operator reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.²

² Proper grounds for cancellation of an approval exist if an operator fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

Schedule 9 Establishment or occupation of a temporary home

Section 11

1 Prescribed activity

Establishment or occupation of a temporary home

2 Activities that do not require approval under the authorising local law

Establishment or occupation of a temporary home for less than two weeks.

3 Documents and materials that must accompany applications for approval

An application for an approval under this local law must include or be accompanied by—

- (a) a drawing showing the design and dimensions of the proposed temporary home; and
- (b) details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home; and
- (c) details of the location of the temporary home; and
- (d) if the applicant is not the owner of the land on which the temporary home is (or is to be) located—the written consent of the owner.

4 Additional criteria for the granting of approval

An application for an approval authorising the establishment and occupation of a temporary home must also include or be accompanied by the additional criteria

- (a) the temporary home will not be occupied as a place of residence permanently or for an indefinite period; and
- (b) the applicant proposes, within the period for which the approval is granted—
 - (i) to erect, or convert an existing structure into, a permanent residence; or
 - (ii) to carry out building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence; and
- (c) an adequate source of water will be available to the proposed temporary home; and
- (d) adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained; and
- (e) a copy of a development application for the construction of a permanent dwelling.

5 Conditions that must be imposed on approvals

The conditions of an approval must—

- (a) regulate the design, dimensions, construction, and external appearance of the temporary home; and
- (b) require the provision of specified facilities for personal hygiene and sanitation, and for washing and drying clothes; and
- (c) require the holder of the approval to provide specified equipment, or take specified action, to ensure that the temporary home is adequately supplied with water; and
- (d) regulate the disposal of waste water and refuse from the temporary home; and
- (e) require the holder of the approval to dismantle and remove the temporary home by a specified date.

6 Conditions that will ordinarily be imposed on approvals

Conditions will ordinarily be imposed in an approval requiring—

- (f) the approval holder to keep the temporary home in good order and repair; and
- (g) require the approval holder to ensure that the home is not unsightly or unhygienic.

7 Term of approval

An approval is granted for a term of up to 12 months specified in the approval.

8 Term of renewal of approval

- (1) An approval cannot be renewed but the local government may extend the term to coincide with the expected completion date of building work for the erection or alteration of, or the conversions of an existing structure into, a permanent residence, that is, when the application for extension is made, likely to be completed within a reasonable time.
- (2) An approval comes to an end when—
 - (a) the term of the approval ends; or
 - (b) the permanent residence becomes fit for occupation;(whichever happens first).

Schedule 10 Installation of advertising devices

Section 11

1 Prescribed activity

Installation of advertising devices

2 Activities that do not require approval under the authorising local law

No activity identified at this stage

3 Documents and materials that must accompany applications for approval

The type of documents and materials required must include—

- (a) details of the advertising device including the dimensions, colour, content, materials and construction; and
- (b) details of where the device is to be located and how it is to be affixed; and
- (c) where necessary, an engineer's certification of the structural adequacy of the device with reference to wind velocity loadings; and
- (d) for election signs, particulars of the signs, details of where the signs are to be located and when they will be erected and removed.

4 Additional criteria for the granting of approval

Criteria must include matters that the local government must be satisfied about, such as the following—

- (i) the proposed advertising device is structurally sound; and
- (j) the device will not obstruct or distract traffic in an unsafe manner; and
- (k) the device will not unreasonably obstruct views; and
- (l) the effect on amenity will not be detrimental; and
- (m) the device is consistent with surrounding buildings and environment.

5 Conditions that must be imposed on approvals

- (1) The dimensions of the sign shall not exceed the following:
 - (a) Under awning sign which is securely fixed under a permanent awning – length 2.4 metres; width 200 mm.
 - (b) Fascia sign which is painted to the fascia of the permanent awning – the face of the fascia.
 - (c) Flush wall sign which is secured flat to a building or fence or painted on a building or fence: length 3 metres; depth 3 metres.
 - (d) Above awning sign which is securely fixed above a permanent awning

– length 3 metres; width 200 mm; depth 1.5 metres.

- (e) Wall mounted sign which is securely fixed to a wall of a building and does not protrude more than 1.2 metres from the wall -: length 1.2 metres depth 600 mm.
 - (f) Roof sign which is securely fixed to either the roof or parapet wall at the front of a building - length 3 metres; depth 1.5 metres.
- (2) All signs that protrude over a footpath by more than 50 mm shall be a minimum of 2.4 metres above the footpath measured from the underside of the sign.
- (3) The advertisement content shall not in the opinion of Council be offensive.

6 Conditions that will ordinarily be imposed on approvals

The following conditions must be imposed on an approval:-

- (a) that the applicant ensure that at all times during its existence, the advertisement complies in all respects with all relevant town planning and/or building approvals; and
- (b) that the applicant ensure that at all times during its existence, the advertisement is maintained in good repair and sightly appearance; and
- (c) Upon cessation of the business or activity to which the advertisement refers, the advertisement must be removed and the site made good within thirty (30) days of the last day on which the business or activity operated; and
- (d) the illumination of an advertisement must not cause any nuisance or distraction to traffic to the satisfaction of an authorised person.

7 Term of approval

An approval² is granted for a term specified in the approval.

8 Term of renewal of approval

The local government may, from time to time, on application by the advertiser, renew an approval for a further term.

³ This refers only to the approval to exhibit the advertisement under this local law. If approval for the structural elements of the advertisement has been given under the *Sustainable Planning Act 2009* or the *Building Act 1975*, that approval is unaffected by this section.

Schedule 11 Keeping of animals

Section 11

1 Prescribed activity

Keeping of animals

2 Activities that do not require approval under the authorising local law

[Schedule 2 of Subordinate Local Law No. 2 (Animal Management) sets out the details about when an approval is required. It is not desirable to specify exceptions here, as schedule 2 should contain all the information about when an approval is required for keeping animals.]

3 Documents and materials that must accompany applications for approval

The type of materials required must include an application outlining—

- (a) the species, breed, age and gender of the animal or each of the animals for which the approval is sought; and
- (b) the number of animals to be kept; and
- (c) the area, or part of the area, in which the animal or animals are to be kept; and
- (d) the nature of the premises in which the animal or animals are to be kept.

For applications to keep particular animals or numbers of animals, specific documents and materials must be specified.]

4 Additional criteria for the granting of approval

Additional criteria must include the following matters about which the local government needs to be satisfied —

- (a) that the land is physically suitable for the keeping of the animals; and
- (b) that the enclosures in which the animals are to be kept are structurally suitable; and
- (c) that the animals are not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and
- (d) that the animals will not have a significant detrimental effect on the amenity of the surrounding area; and
- (e) that the animals will not have a significant detrimental effect on the local environment or cause pollution or other environmental damage.

Specific criteria might be prescribed in relation to applications to keep particular animals or numbers of animals or to keep animals in particular locations (e.g. residential areas). For example, an additional or different set of criteria might be prescribed for an approval to keep a larger number of dogs as part of a boarding kennel operation or a larger number of cats as part of a cattery operation.]

5 Conditions that must be imposed on approvals

Conditions for these approvals must –

- (a) require the holder of the approval to care for the animals in accordance with appropriate standards; and
- (b) require that the animals be kept in enclosures that comply with specified structural requirements; and
- (c) require the holder of the approval to comply with specified standards of hygiene; and
- (d) require the holder of the approval to ensure that the animal wears or displays an appropriate identifying tag as long as this is not inconsistent with requirements of the Animal Management (Cats and Dogs) Act 2008; and
- (e) require the holder of the approval to take specified action to protect against possible harm to the local environment.

Specific conditions might be specified in relation to approval to keep particular animals or numbers of animals or to keep animals in particular locations (e.g. residential areas). For example, an additional or different set of conditions might be prescribed for an approval to keep a larger number of dogs as part of a boarding kennel operation or a larger number of cats as part of a cattery operation.

6 Conditions that will ordinarily be imposed on approvals

[For example a requirement to muzzle a decommissioned greyhound when in a public place, subject to requirements of the Animal Management (Cats and Dogs) Act 2008 s.197.]

7 Term of approval

The term of an approval is decided by the local government when it grants the approval or renewal, usually to 30 June

8 Term of renewal of approval

The local government may, from time to time, on application by the operator renew the approval.

However, the local government must, on application for renewal of an approval made before the end of the term for which the approval was granted or last renewed, renew the approval for a further term unless—

- (a) the local government has given the operator reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.⁴

⁴ Proper grounds for cancellation of an approval exist if an operator fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

Schedule 12 Operation of camping grounds

Section 11

1 Prescribed activity

Operation of camping grounds

2 Activities that do not require approval under the authorising local law

This local law does not refer to Caravan Parks

3 Documents and materials that must accompany applications for approval

An application for an approval authorising a person to operate a commercial camping ground must include or be accompanied by—

- (a) a plan showing the boundaries of the camping ground and the division of the camping ground into camping sites; and
- (b) if the applicant is not the owner of the land on which the camping ground is situated—the written consent of the owner to the application; and
- (c) details of the facilities to be provided for campers; and
- (d) details of water quality, reticulation and drainage; and
- (e) the plan of the proposed camping ground shall be drawn to scale showing the following additional particulars—
 - (i) the location and real property description of such land; and
 - (ii) the location, number, designation and type of sanitary conveniences to be provided; and
 - (iii) the location, number, and designation of ablutionary facilities to be provided; and
 - (iv) details of each site clearly defined and bearing a distinguishing mark or number and indicating the number of persons who may occupy the site; and
- (f) before the application is granted, the applicant must provide evidence of any necessary statutory permit, authorisation or approval—
 - (i) for the development and use of the relevant land as a camping ground; and
 - (ii) for the occupation and use of buildings and structures on the land in connection with the operation of the camping ground.

4 Additional criteria for the granting of approval

Applications must also meet the following additional criteria—

- (n) the camping ground can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (o) all facilities in the camping ground are at an acceptable standard or can be brought to acceptable standard; and

- (p) any development permit for the camping ground required under the *Sustainable Planning Act 2009* has been granted; and
- (q) the local government must also be satisfied that the proposed operator is a suitable person to be operating a camping ground.

5 Conditions that must be imposed on approvals

An operator must comply with the following basic conditions—

- (a) ensure that a register is kept containing the name and address of each person who hires a camping site; and an identifying number for the site; and if a vehicle is brought onto the site—the registration number of the vehicle; and the dates when the hiring of the site begins and ends; and
- (b) at the request of an authorised person, produce the register for inspection; and
- (c) not permit occupation of a camping site by more persons than the limit fixed for the relevant site; and
- (d) maintain all buildings, structures and facilities provided by the operator on the camping ground in good and serviceable condition; and
- (e) keep the camping ground (including all camping sites) clean and tidy.

6 Conditions that will ordinarily be imposed on approvals

An operator will be required to

- (r) to maintain an adequate supply of water to the camping ground, including water suitable for drinking, cooking and personal hygiene; and
- (s) to ensure that, if water obtained from a particular water outlet in the camping ground may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “**Unsuitable for Drinking**”; and
- (t) to maintain toilets and bathing or showering facilities for persons of both sexes (including disabled persons) using the camping ground; and
- (u) to maintain facilities for disposal of wastes; and
- (v) to ensure that the number of persons who may occupy a camping site is not contravened; and
- (w) if bedding is supplied—
 - (i) to keep it in a clean and sanitary condition; and
 - (ii) if bed linen is provided—to change and replace it with clean bed linen whenever there is a change of occupier.

7 Term of approval

The term of an approval is decided by the local government when it grants the approval or renewal.

In granting an approval a local government may determine that the approval is one of a class of approvals that it does not intend to renew or extend.

8 Term of renewal of approval

The local government may, from time to time, on application by the operator renew the approval.

However, the local government must, on application for renewal of an approval made before the end of the term for which the approval was granted or last renewed, renew the approval for a further term unless—

- (a) the local government has given the operator reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.⁵

⁵ Proper grounds for cancellation of an approval exist if an operator fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

Schedule 13 Operation of cane railways

Section 11

Intentionally Blank

Schedule 14 Operation of caravan parks

Section 11

1 Prescribed activity

Operation of caravan parks

2 Activities that do not require approval under the authorising local law

There are no activities identified at this point in time

3 Documents and materials that must accompany applications for approval

An application for an approval authorising a person to operate a caravan park must include or be accompanied by—

- (a) if the applicant is not the owner of the land on which the caravan park is situated—
the written consent of the owner to the application; and
- (b) the name and address of the proposed resident manager of the caravan park and the proposed resident manager's written agreement accepting the responsibilities of resident manager of the caravan park; and
- (c) before the application is granted, the applicant must provide evidence of any necessary statutory permit, authorisation or approval—
 - (i) for the development and use of the relevant land as a caravan park; and
 - (ii) for the occupation and use of buildings and structures on the land in connection with the operation of the caravan park; and
- (d) the plan of the proposed caravan park shall be drawn to scale showing the following additional particulars—
 - (i) the location and real property description of such land; and
 - (ii) the location, number, designation and type of sanitary conveniences to be provided; and
 - (iii) the location, number, and designation of ablutionary facilities to be provided; and
 - (iv) details of each site clearly defined and bearing a distinguishing mark or number; and
 - (v) the caravan park can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
 - (vi) all facilities in the caravan park are at an acceptable standard or can be brought to acceptable standard for use by residents.

4 Additional criteria for the granting of approval

Applications must also meet the following additional criteria—

- (x) the caravan park can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (y) all facilities in the caravan park are at an acceptable standard or can be brought to acceptable standard; and

- (z) any development permit for the caravan park required under the *Sustainable Planning Act 2009* has been granted; and
- (aa) the local government must also be satisfied that the proposed resident manager is a suitable person to be operating a caravan park.

5 Conditions that must be imposed on approvals

An operator must comply with the following basic conditions—

- (a) ensure that the caravan park is managed and supervised by the resident manager who is resident on or near the caravan park; and
- (b) ensure that the resident manager or a representative of the resident manager is present at the caravan park at all reasonable times to ensure the proper operation of the park and
- (c) ensure that a register is kept containing the name and address of each person who hires a caravan site; and an identifying number for the site; and if a vehicle is brought onto the site—the registration number of the vehicle; and the dates when the hiring of the site begins and ends; and
- (d) at the request of an authorised person, produce the register for inspection; and
- (bb) not permit occupation of a caravan site by more persons than the limit fixed for the relevant site; and
- (cc) not hire out a part of the caravan park for separate occupation unless it is a site approved by the local government for separate occupation; and
- (dd) not permit a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation; and
- (ee) not to change the sites or structures or facilities in the caravan park without agreement of the local government.

6 Conditions that will ordinarily be imposed on approvals

Require the operator—

- (a) to maintain an adequate supply of water to the caravan park, including water suitable for drinking, cooking and personal hygiene; and
- (b) to ensure that, if water obtained from a particular water outlet in the caravan park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “**Unsuitable for Drinking**”; and
- (c) to maintain toilets and bathing or showering facilities for persons of both sexes (including disabled persons) using the caravan park; and
- (d) to maintain laundry facilities; and
- (e) to maintain recreational facilities; and
- (e) to maintain facilities for disposal of wastes; and
- (f) to maintain sewerage, drainage, refuse collection, electricity supply, telephone and postal services; and
- (g) require lighting of the caravan park to specified standards during specified hours; and
- (h) if the operator supplies bedding, require the operator—

- (i) to keep it in a clean and sanitary condition; and
- (ii) if bed linen is provided—to change and replace it with clean bed linen whenever there is a change of occupation.

7 Term of approval

The term of an approval is decided by the local government when it grants the approval or renewal.

In granting an approval a local government may determine that the approval is one of a class of approvals that it does not intend to renew or extend.

8 Term of renewal of approval

The local government may, from time to time, on application by the operator renew the approval.

However, the local government must, on application for renewal of an approval made before the end of the term for which the approval was granted or last renewed, renew the approval for a further term unless—

- (a) the local government has given the operator reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.⁶

⁶ Proper grounds for cancellation of an approval exist if an operator fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

Schedule 15 Operation of cemeteries

Section 11

1 Prescribed activity

Operation of cemeteries

2 Activities that do not require approval under the authorising local law

There are no activities identified at this point in time

3 Documents and materials that must accompany applications for approval

An application for an approval to operate a cemetery must include or be accompanied by—

- (a) the location and real property description of such land; and a plan of the proposed cemetery drawn to scale showing the location of proposed grave sites and other structures
- (b) if the applicant is not the owner of the land on which the cemetery is situated—the written consent of the owner to the application; and
- (c) details of soil and drilling tests to verify that the land is suitable for use as a cemetery; and
- (d) details of the occupation and use of buildings and structures on the land in connection with the operation of the cemetery; and
- (e) details of the proposed administration and management of the cemetery including the establishment of a cemetery authority.

4 Additional criteria for the granting of approval

Applications must also submit the following additional criteria—

- (a) if approval for the cemetery is required under the *Sustainable Planning Act 2009* – a certified copy, or other appropriate evidence, of the approval; and
- (b) whether the cemetery is to incorporate additional features including
 - (i) a columbarium; or
 - (ii) a mausoleum or vault; or
 - (iii) a garden of remembrance

5 Conditions that must be imposed on approvals

A cemetery authority must comply with the following basic conditions—

- (a) a person must not dispose of human remains in a cemetery unless the disposal of the remains is authorised by an approval issued by the cemetery authority; and
- (b) an application for an approval permitting disposal of human remains in a cemetery must be accompanied by certified copies of other legal authorities that are required for the disposal of the remains; and

- (c) human remains brought into a cemetery must be in a coffin or other form of container of water tight construction; and
- (d) ensure that proper and publicly available records are kept about the disposal of human remains within and outside public cemeteries; and
- (e) have in place provision for the proper maintenance of memorials and other buildings and structures in the cemetery; and
- (f) have in place policies about matters such as the exhumation or disturbance of human remains.

6 Conditions that will ordinarily be imposed on approvals

- (1) Standards which must be met for the disposal of human remains in cemeteries are as follows—
 - (a) graves must be dug to a depth of—
 - (i) for a child under the age of 5 years - at least 1.2 metres; or
 - (ii) for all other graves—at least 1.8 metres; and
 - (b) no more than two bodies of adults or children to be buried in any grave; and
 - (c) the upper surface of a coffin must be at least 1 metre below the natural soil surface; and
 - (d) in no case shall a grave be sunk deeper after the first burial therein; and
Example—
No coffin once buried shall be disturbed for the purpose of deepening the grave
 - (e) grave plots must be at least—
 - (i) for a single grave plot—at least 2.4 metres by 1.2 metres; or
 - (ii) for a double grave plot—at least 2.4 metres by 2.4 metres; or
 - (iii) for a family grave plot—at least 2.4 metres by 3.7 metres.
 - (f) any body interred in a mausoleum or vault must be enclosed—
 - (i) firstly, in a wooden shell; and
 - (ii) secondly, in a leaden hermetically sealed shell; and
 - (iii) thirdly, in a coffin on the lid of which a metal plate must be placed that has the deceased person's name stamped or inscribed.
- (2) A cemetery authority may enter into contracts—
 - (a) giving rights to burial sites or other rights relating to the placement of human remains in the cemetery; and
 - (b) granting an approval authorising the erection or installation of a memorial to a deceased person provided that if a development permit is required under the *Sustainable Planning Act 2009* for the erection or installation of the proposed memorial, the application must be accompanied by a copy of the relevant permit; and
 - (c) authorising a person to construct and maintain a private columbarium, mausoleum or vault in a local government cemetery, provided that—
 - (i) a contract under this section does not dispense with the need for a

development permit for the proposed structure under the *Sustainable Planning Act 2009*.

(ii) a contract under this section must provide for the maintenance and repair of the structure and if the structure is not to be maintained by the cemetery authority under the terms of the contract—authorise the cemetery authority to demolish and remove the structure if it falls into disrepair.

(iii) If a party to a contract under this section dies, the cemetery authority must (subject to wishes the deceased had made known to the cemetery authority) allow relatives of the deceased whose identity and whereabouts are known to the cemetery authority a reasonable opportunity to take over the deceased's contractual rights and liabilities.

7 Term of approval

The term of an approval is decided by the local government when it grants the approval or renewal.

8 Term of renewal of approval

The local government may, from time to time, on application by the cemetery authority renew the approval.

However, the local government must, on application for renewal of an approval made before the end of the term for which the approval was granted or last renewed, renew the approval for a further term unless—

- (a) the local government has given the cemetery authority reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.⁷

⁷ Proper grounds for cancellation of an approval exist if an operator fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

Schedule 16 Operation of public swimming pools

Section 11

1 Prescribed activity

Operation of public swimming pools

2 Activities that do not require approval under the authorising local law

A public pool does not include a swimming pool made available by the body corporate of a community titles scheme for use by the owners or occupiers of lots in the scheme or their invitees.

Examples—

- A swimming pool available for use by paying guests in a hotel or motel.
- A swimming pool available for use by customers or employees of the owner.

3 Documents and materials that must accompany applications for approval

- (1) An application for an approval authorising the operation of a swimming pool as a public pool must include or be accompanied by—
 - (a) a plan or other information identifying the swimming pool; and
 - (b) details of the nature and extent of the public use that is proposed by the applicant including any training programs intended to be conducted; and
 - (c) details of the proposed management and supervision of the swimming pool (the management plan must comply with the Royal Life Saving Society's *Guidelines for Safe Pool Operation* including the qualifications and experience of proposed managers and supervisors); and
 - (d) if the applicant is not the owner of the land on which the swimming pool is situated—the owner's consent to the application.
- (2) Before the application is granted, the applicant must provide evidence of any necessary statutory permit, authorisation or approval—
 - (a) for the development and use of the relevant land as a public pool; and
 - (b) for the use of buildings and structures on the land in connection with the operation of the public pool.

4 Additional criteria for the granting of approval

- (1) The local government may grant an approval if satisfied that—
 - (a) the equipment for chlorination, filtration and recirculation of swimming pool water is adequate to protect public health; and
 - (b) the management and supervision of the swimming pool will be adequate to protect public safety and prevent nuisance.

5 Conditions that must be imposed on approvals

The conditions of an approval must include—

- (a) require the provision and maintenance of specified equipment for—
 - (i) emergency medical treatment and first aid; or
 - (ii) rescue of persons in difficulty; or
 - (iii) other aspects of public health and safety; and
- (b) require the erection, maintenance and display of notices—
 - (i) providing information about basic life saving, resuscitation and first aid techniques; or
 - (ii) warning about possible dangers; and
- (c) require the regular testing of the water to ensure that biological contaminants are kept within acceptable levels; and
- (d) require the operator to install and maintain special equipment for filtering, purifying and recirculating the water; and
- (e) require the operator to maintain dressing rooms and facilities for showering and sanitation; and
- (f) require a certain standard for exterior fencing.

However, the conditions of the approval must be consistent with the conditions of any relevant development permit.

6 Conditions that will ordinarily be imposed on approvals

Conditions will ordinarily be imposed in an approval requiring the operator to—

- (a) maintain equipment to test the water daily to ensure that biological contaminants are kept within levels specified in Australian Standards; and
- (b) maintain equipment specified in the approval for emergency medical treatment, first aid and rescue of persons in difficulty; and
- (c) if the operator of a public pool intends to empty the pool, the operator must give the local government at least 24 hours notice of intention to empty the pool, and must comply with any directions given by an authorised person about when and how the pool is to be emptied.

7 Term of approval

The term of an approval is decided by the local government when it grants the approval or renewal.

8 Term of renewal of approval

The local government may, from time to time, on application by the operator renew the approval.

However, the local government must, on application for renewal of an approval made before the end of the term for which the approval was granted or last renewed, renew the approval for a further term unless—

- (a) the local government has given the operator reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.⁸

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
Management Plan	Royal Life Saving Society	Certificate issued by the Royal Life Saving Society
Life Saving Certificate	Royal Life Saving Society	Certificate issued by the Royal Life Saving Society

⁸ Proper grounds for cancellation of an approval exist if an operator fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

Schedule 17 Operation of shared facility accommodation

Section 11

1 Prescribed activity

Operation of shared facility accommodation

2 Activities that do not require approval under the authorising local law

This local law does not apply to accommodation in—

- (a) premises used to provide residential services, as defined in the *Residential Services (Accreditation) Act 2002*; or
- (b) public housing as defined in the *Sustainable Planning Act 2009*; or
- (c) a hotel or motel; or
- (d) a hospital, nursing home, or other institution where people are cared for on a live-in basis; or
- (e) a residential college or boarding school; or
- (f) a religious institution; or
- (g) a community titles scheme under the *Body Corporate and Community Management Act 1997*; or
- (h) a private home in which accommodation is provided for not more than 3 boarders.

3 Documents and materials that must accompany applications for approval

(1) An application for an approval must include or be accompanied by—

- (a) the name, location and real property description of the premises; and
- (b) a plan of the premises drawn to scale and showing—
 - (i) the location of the building on the site including location of vehicle accesses and parking, areas for clothes drying and open recreation areas; and
 - (ii) the internal layout of the building showing the proposed function of each room and in the case of bedrooms and dormitories—the maximum number of beds proposed; and
- (c) details of shared facilities including—
 - (i) number of toilets; and
 - (ii) number of bathrooms and showers; and
 - (iii) laundry facilities; and
 - (iv) dining facilities; and
 - (v) cooking facilities; and

- (d) sufficient vehicle parking is available given the type of accommodation provided and number of persons for whom accommodation is proposed to be provided at the premises; and
 - (e) A report from an appropriately qualified professional that the fire safety provisions of the *Building Act 1975* have been complied with; and
 - (f) if the applicant is not the owner of the premises for which the approval is sought—the written consent of the owner to the application.
- (2) Before the approval is granted, the applicant must provide evidence of any necessary statutory permit, authorisation or approval including—
- (a) any development permit for the premises required under the *Sustainable Planning Act 2009* has been granted; and
 - b) the use of the premises for providing the accommodation without significant risk to health or safety.

Examples—

- Under paragraph (a) the local government would, for example, need to be satisfied that the premises may lawfully be used for the purpose of providing accommodation on a commercial basis under the *Sustainable Planning Act 2009*.
- Under paragraph (b) the local government would, for example, need to be satisfied that the premises will not be so over crowded so as to give rise to a risk of the spread of disease or illness affecting a person.

4 Additional criteria for the granting of approval

- (3) In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—
- (a) reasonable expectations of persons who were, before the commencement of this local law, providing accommodation of the relevant type to be able to continue to provide the accommodation; and
 - (b) the needs of socially disadvantaged people who rely on the availability of accommodation to which this local law applies; and
 - (c) the need for a reasonable degree of uniformity between local government areas; and
 - (d) the need to encourage prospective operators to enter the market for accommodation to which this local law applies as a way of promoting tourism.

5 Conditions that must be imposed on approvals

The conditions of an approval must include—

- (a) limit the number of persons for whom accommodation may be provided in the premises, or a specified part, of the premises;⁹ and

⁹ Under section 10 of the *Building Fire Safety Regulation 1991* the occupier of a building must ensure that the number of persons present in the building at any one time does not cause overcrowding and does not exceed the maximum number that may be accommodated in compliance with clause D 1.13 of the *Building Code of Australia*. A condition of the approval could impose a limitation that is more stringent than section 10 of the *Building Fire Safety*

- (b) require that specified modifications, or other specified building work related to the premises, be carried out within a specified period¹⁰; and
- (c) require the regular maintenance of the premises (including internal and external paintwork); and
- (d) require the provision and maintenance of specified facilities; and
- (e) require the provision and maintenance of specified furniture and equipment; and
- (f) require the regular cleaning of the premises; and
- (g) if relevant to the type of accommodation provided—require the regular provision of clean linen and towels; and
- (h) require the provision of services of specified kinds for the persons using the accommodation; and
- (i) require that the operator or a representative of the operator approved by the local government reside on the premises; and
- (j) require the operator to keep specified records.

Example of paragraph (a)—

The approval might, for example, provide that a dormitory or bedroom is not to contain more than a specified number of beds.

Example of paragraph (h)—

A condition of an approval must include, require the safe custody of valuables by the operator.

- (3) It is a condition of an approval that the operator must not permit a person to sleep in a part of the premises to which the approval relates unless the relevant part of the premises is approved by the local government as a dormitory or a bedroom.
- (4) However, the conditions of the approval must be consistent with the conditions of any relevant development permit and the number accommodated must not exceed the requirements of clause D1.13 of the Building Code of Australia.

6 Conditions that will ordinarily be imposed on approvals

Conditions will ordinarily be imposed in an approval requiring—

(A) Bedrooms and Dormitories:

- (a) That sleeping accommodation and beds are not provided in any room or space except those rooms designated on the plan accompanying the application as bedrooms or dormitories.
- (b) Every person accommodated on the premises to be provided with a clean and comfortable bed which shall be designated by a room and bed number.
- (c) Each bedroom or dormitory to have—
 - (i) cupboard space provided at a rate of 0.03 square metres per person; and

Regulation 1991 but could not allow for the accommodation of more people than is permissible under that section.

¹⁰ A development permit for the proposed modification or other building work may be necessary under the *Sustainable Planning Act 2009*.

- (ii) one (1) towel rail per person.
 - (d) Notwithstanding section 7(1) of this Subordinate Local Law—the maximum number of people to be accommodated in any bedroom or dormitory shall be eight (8).
 - (e) No beds to be more than two tiers in height and the clearance between the upper and lower beds to be at least 870mm with a clearance of one (1) metre between the upper bed and the ceiling, light fittings or any other projection from the ceiling.
- (B) Kitchen Facilities:**
- (a) All premises to be provided with a kitchen separate from all other rooms which is available for the preparation, cooking and storage of food.
 - (b) Kitchens to be kept in a clean and hygienic manner at all times.
 - (c) All kitchen walls and ceilings to be smooth and free of ledges, protrusions, cracks and crevices and treated with washable gloss paint or other washable surface.
 - (d) All kitchen floors to be covered with a smooth impervious floor covering.
 - (e) All kitchen benches, tables and shelving to be covered in smooth impervious material.
 - (f) Cooking appliances to be provided at a rate of at least four (4) burners or hotplates and one (1) oven for each 15 people.
 - (g) Refrigeration space to be provided at a rate of 15 litres per person.
 - (h) Dishwashing facilities to be provided at a rate of one stainless steel sink per 15 people.
 - (i) Adequate crockery, cutlery and cooking utensils to be provided and maintained in a sound and clean condition.
 - (j) Kitchen cupboard space to be provided at a rate of 0.015 square metres per person.
- (C) Dining Room:**
- (a) All premises to be provided with a dining room under the same roof as the kitchen.
 - (b) Dining room seating to be provided at the rate of 50 percent of the maximum number of occupants at any one time.
- (D) Common Living Rooms:**

- (a) All premises to be provided with one or more common living rooms.
- (b) Floor area of common living rooms to be at least two square metres per person, which may include the area of the dining room but which shall not include—
 - (i) a passage way; or
 - (ii) a fire access way; or
 - (iii) a non-habitable room.

(E) Toilets and Ablution Facilities:

The provision of toilet and ablution facilities to be in accordance with the Building Code of Australia.

(F) Laundry Facilities:

Laundry facilities to be provided at a rate of one (1) wash tub and one (1) washing machine per 15 people.

(G) Office:

- (a) Every premises to have a clearly designated office.
- (b) An emergency telephone service to be available when the office is closed.

(H) Refuse Disposal:

- (a) Refuse to be disposed of at least once in every week in an approved manner.
- (b) Refuse storage to be provided at the rate of one (1) 240 litre bin per six (6) people.

(I) Maintenance:

- (a) The premises to be treated for the control of vermin at least twice per year.
- (b) The premises, including the grounds around any building, to be maintained in a state of good repair and in a clean and sanitary condition free from accumulated refuse and waste materials at all times.

(J) Storage:

- (a) A secure, fire proof safe to be provided for the keeping of the occupants valuables and papers.
- (b) A security lock up for bulky packs and luggage to be provided which is not accessible other than by permission of the operator.

(K) Fire Safety:

Fire prevention, fire detection and fire suppression and control devices to be installed to ensure compliance with the *Building Act 1975*.

(L) *Accommodation Register:*

- (a) A register to be kept which details—
- (i) the full name of the occupant; and
 - (ii) permanent residential address of the occupant; and
 - (iii) the occupant's signature; and
 - (iv) dates the occupant checked in and out; and
 - (v) room and bed number allocated to the occupant.
- (b) The operator must not allow a bed to be occupied by any person who has failed to register his/her name and address in the accommodation register.

(M) *Duties of the Operator:*

The operator or a representative of the operator to reside on the premises and be available for emergency contact at night.

7 Term of approval

The term of an approval is decided by the local government when it grants the approval or renewal.

8 Term of renewal of approval

The local government may, from time to time, on application by the operator renew the approval.

However, the local government must, on application for renewal of an approval made before the end of the term for which the approval was granted or last renewed, renew the approval for a further term unless—

- (a) the local government has given the operator reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.¹¹

¹¹ Proper grounds for cancellation of an approval exist if an operator fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

Schedule 18 Operation of temporary entertainment events

Section 11

1 Prescribed activity

Operation of temporary entertainment events

2 Activities that do not require approval under the authorising local law

Trail rides conducted on a private property during the weekend.

3 Documents and materials that must accompany applications for approval

An application for an approval authorising the operation of a temporary entertainment event must include or be accompanied by—

- (a) a plan of the temporary entertainment event's venue; and
- (b) details and drawings of buildings and other structural elements of the temporary entertainment event's venue; and
- (c) a detailed statement of the nature of the entertainment to be provided at the temporary entertainment event's venue and when the temporary entertainment event's venue is to be open to the public; and
- (d) if the applicant is not the owner of the temporary entertainment event's venue—the written consent of the owner; and
- (e) if approval of anything to be done under the approval is required under another law—a certified copy or other appropriate evidence of the approval.

4 Additional criteria for the granting of approval

The local government may grant an approval authorising the operation of a temporary entertainment event's venue if satisfied that—

- (a) the design and construction of the temporary entertainment event's venue is safe and appropriate to the nature of entertainment proposed and the number of people expected to attend the event's venue; and
- (b) entertainments of the proposed kind would not unreasonably detract from the amenity of the area in which the entertainment is situated; and
- (c) entertainments provided at the temporary entertainment event's venue will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and
- (d) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and
- (e) adequate provision will exist for the disposal of refuse generated by the use of the temporary entertainment event's venue; and

- (f) adequate provision will exist for people and (if relevant) vehicles to enter and leave the temporary entertainment event's venue.

5 Conditions that must be imposed on approvals

The conditions of an approval must include—

- (a) require specified action to maintain or improve the temporary entertainment event's venue; and
- (b) require the operator to provide specified equipment, and to take specified measures, for the safety of the public; and
- (c) require the operator to provide specified facilities and amenities; and
- (d) regulate the hours of operation of the temporary entertainment event's venue; and
- (e) regulate illumination of the temporary entertainment event's venue and light spillage from the temporary entertainment event's venue; and
- (f) regulate noise emission from the temporary entertainment event's venue; and
- (g) require the operator to provide specified equipment, or take specified measures, to reduce adverse effects of activities in the temporary entertainment event's venue on the surrounding neighbourhood to acceptable levels; and
- (h) the entertainment for which the approval is issued is restricted to the times specified in the approval; and
- (i) in the case of entertainments which could include noise emissions, light spillage and/or offensive odours—the holder of the approval to give written notice of the time during which the entertainments will be conducted to persons who may be affected by the activities.

6 Conditions that will ordinarily be imposed on approvals

Conditions will ordinarily be imposed in an approval requiring—

- (a) the operator to take out and maintain public liability insurance for an amount commensurate with the nature of the entertainments provided and the size of the venue; and
- (b) the operator to provide sufficient toilet and sanitary conveniences for the estimated attendance at the venue; and
- (c) all refuse generated by the use of the entertainment venue to be disposed of the day following each use of the venue; and
- (d) action be taken to reduce noise, dust, odour and light emissions to an absolute minimum; and
- (e) the operator to obtain any permit required under the *Liquor Act 1992* if liquor is to be available; and
- (f) if the approval relates to an activity on a road—require the approval holder to indemnify the State.

7 Term of approval

The term of an approval is decided by the local government when it grants the approval or renewal.

8 Term of renewal of approval

The local government may, from time to time, on application by the operator renew the approval.

However, the local government must, on application for renewal of an approval made before the end of the term for which the approval was granted or last renewed, renew the approval for a further term unless—

- (a) the local government has given the operator reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.¹²

¹² Proper grounds for cancellation of an approval exist if an operator fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

Schedule 19 Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery

Section 11

1 Prescribed activity

Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery

2 Activities that do not require approval under the authorising local law

This local law does not affect the exhumation or other disturbance or interference with human remains on the order of a coroner or other lawful authority.

3 Documents and materials that must accompany applications for approval

The type of documents and materials required must include—

- (a) details of the proposed disturbance of human remains; and
- (b) a copy of the death certificate or medical certificate of cause of death for the deceased; and
- (c) written consent from the nearest living relative; and
- (d) there is no public health risk involved; and
- (e) written confirmation from a recognised undertaker that he/she is prepared to carry out the exhumation.

4 Conditions that must be imposed on approvals

The conditions of an approval must include—

- (a) Any re-interment must be carried out in accordance with Schedule 15; and
- (b) Advice must be given to the Registrar of Births, Deaths and Marriages.

5 Conditions that will ordinarily be imposed on approvals

The local government may give an authorisation on conditions the local government considers appropriate.

Examples—

The local government may authorise the removal of the remains from 1 cemetery to another to comply with the wishes of the relatives of the deceased.

The local government may authorise the opening of a grave and the burial of another in the same grave in compliance with the expressed wishes of both or all deceased persons who have been or are to be buried in the grave.

6 Term of approval

The term of an approval is decided by the local government when it grants the approval or renewal.

7 Term of renewal of approval

The local government may, from time to time, on application by the operator renew the approval.

Schedule 20 Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery

Section 11

1 Prescribed activity

Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery.

2 Activities that do not require approval under the authorising local law

3 Documents and materials that must accompany applications for approval

The type of documents and materials required must include—

- (a) details of the location and nature of the burial site or other place in which the remains are to be buried or placed; and
- (b) details about when and how the remains are to be disposed of; and
- (c) time and date of the proposed burial.

4 Additional criteria for the granting of approval

Additional criteria for the granting of approval must include—

- (a) the grant of the approval is justified by—
 - (i) special family, personal or historical association between the deceased person and the place in which the remains are to be buried or placed; or
 - (ii) some other special reason; and
- (b) the implementation of the proposal—
 - (i) will not create a risk to health or other nuisance; and
 - (ii) will not cause reasonable offence to others.

5 Conditions that must be imposed on approvals

Conditions that must be imposed on approvals must include—

- (a) regulate the preparation of a grave and require the holder of the approval to allow an authorised person to inspect the grave before burial of human remains in the grave; and
- (b) require the disposal of the human remains to take place at a particular time or within a particular period; and
- (c) require the erection or installation of a memorial or marker to identify a site in

which human remains have been buried.

6 Conditions that will ordinarily be imposed on approvals

Conditions will ordinarily be imposed in an approval requiring—

An undertaker who arranges for the disposal of human remains outside a cemetery must ensure that the conditions of the relevant approval are complied with.

7 Term of approval

The term of an approval is decided by the local government when it grants the approval or renewal.

8 Term of renewal of approval

The local government may, from time to time, on application by the operator renew the approval.

Schedule 21 Undertaking regulated activities regarding human remains— (c) disturbance of human remains in a local government cemetery

Section 11

1 Prescribed activity

Undertaking regulated activities regarding human remains— (c) disturbance of human remains in a local government cemetery

2 Activities that do not require approval under the authorising local law

This local law does not affect the exhumation or other disturbance or interference with human remains on the order of a coroner or other lawful authority.

3 Documents and materials that must accompany applications for approval

Documents and materials that must accompany applications for approval must include—

- (a) Details of the proposed disturbance of the remains; and
- (b) a copy of the death certificate or medical certificate of cause of death for the deceased; and
- (c) written consent from the nearest living relative; and
- (d) there is no public health risk involved; and
- (e) written confirmation from a recognised undertaker that he/she is prepared to carry out the exhumation.

4 Conditions that must be imposed on approvals

The conditions of an approval must include—

- (a) Any re-interment must be carried out in accordance with Schedule 15; and
- (b) Advice must be given to the Registrar of Births, Deaths and Marriages.

5 Conditions that will ordinarily be imposed on approvals

The local government may give an authorisation on conditions the local government considers appropriate.

Examples—

The local government may authorise the removal of the remains from 1 cemetery to another to comply with the wishes of the relatives of the deceased.

The local government may authorise the opening of a grave and the burial of another in the same grave in compliance with the expressed wishes of both or all deceased

persons who have been or are to be buried in the grave.

6 Term of approval

The term of an approval is decided by the local government when it grants the approval or renewal.

7 Term of renewal of approval

The local government may, from time to time, on request by the applicant renew the approval.

Schedule 22 Undertaking regulated activities on local government controlled areas and roads— (a) driving or leading of animals to cross a road

Section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads—
driving or leading of animals to cross a road

2 Activities that do not require approval under the authorising local law

For example –

Leading of horses across a road by a member of a horse or pony club.

3 Documents and materials that must accompany applications for approval

The type of documents and materials required must include—

Full details of the proposed use of the local government controlled area or road,
including stock number, location and times.

4 Additional criteria for the granting of approval

Additional criteria with which applications for approval for the prescribed activity must
be consistent. For example –

The leading of animals would not unduly interfere with the proper use of the road or
create a safety hazard for users of the road.

5 Conditions that must be imposed on approvals

Conditions may for example—

- (a) restrict the times of day that animals may be led across the road;
- (b) restrict the number of animals that may be driven or led across the road;
- (c) require compliance with specified safety requirements;
- (d) require the approval holder to exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area;
- (e) if the approval relates to an activity on a road—require the approval holder to indemnify the State; and
- (f) require the approval holder to give specified indemnities and to take out specified

insurance.]

6 Term of approval

The term of an approval is decided by the local government when it grants the approval or renewal.

7 Term of renewal of approval

The local government may, from time to time, on application by the operator renew the approval.

However, the local government must, on application for renewal of an approval made before the end of the term for which the approval was granted or last renewed, renew the approval for a further term unless—

- (a) the local government has given the operator reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.¹³

¹³ Proper grounds for cancellation of an approval exist if an operator fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

Schedule 23 Undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials

Section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials

2 Activities that do not require approval under the authorising local law

3 Documents and materials that must accompany applications for approval

The type of documents and materials required must include—

Details of the proposed depositing of goods and materials on the local government controlled area or road.

4 Additional criteria for the granting of approval

Criteria with which applications for approval for the prescribed activity must be consistent. For example –

The depositing of goods or materials would not unduly interfere with the usual use or the amenity of the road or area.

5 Conditions that must be imposed on approvals

Conditions must for example –

- (a) require compliance with specified safety requirements;
- (b) regulate the time within which the activity must be carried out;
- (c) regulate the manner in which the goods or materials may be deposited.

6 Conditions that will ordinarily be imposed on approvals

Conditions might for example –

If the approval relates to an activity on a road—require the approval holder to indemnify the State.

7 Term of approval

The term of an approval is decided by the local government when it grants the approval or renewal.

8 Term of renewal of approval

The local government may, from time to time, on application by the operator renew the approval.

However, the local government must, on application for renewal of an approval made before the end of the term for which the approval was granted or last renewed, renew the approval for a further term unless—

- (a) the local government has given the operator reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.¹⁴

¹⁴ Proper grounds for cancellation of an approval exist if an operator fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

Schedule 24 Undertaking regulated activities on local government controlled areas and roads— (c) holding of a public place activity prescribed by subordinate local law

Section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads— (c) holding of a public place activity prescribed by subordinate local law, excluding the operation of a temporary entertainment event

2 Activities that do not require approval under the authorising local law

3 Documents and materials that must accompany applications for approval

The type of documents and materials required must include—

Full details of the proposed public place activity.

4 Additional criteria for the granting of approval

Criteria with which applications for approval for the prescribed activity must be consistent-

- (a) the event will not unduly interfere with the usual use and enjoyment of the area or road;
- (b) the event will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood;
- (c) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public;
- (d) adequate provision will exist for the disposal of refuse generated by the conduct of the event;
- (e) adequate provision will exist for people and (if relevant) vehicles to enter and leave the event.

5 Conditions that must be imposed on approvals

Conditions may for example—

- (a) require compliance with specified safety requirements;
- (b) require the approval holder to exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area; and
- (c) require the approval holder to give specified indemnities and to take out specified insurance; and

- (d) require the operator to provide specified facilities and amenities; and
- (e) regulate the hours of operation of the event; and
- (f) regulate illumination of the event and light spillage from the event; and
- (g) regulate noise emission from the event; and
- (h) require the operator to provide specified equipment, or take specified measures, to reduce adverse effects of the event on the surrounding neighbourhood to acceptable levels; and
- (i) if the approval relates to an activity on a road—require the approval holder to indemnify the State.

6 Term of approval

The term of an approval is decided by the local government when it grants the approval or renewal.

7 Term of renewal of approval

The local government may, from time to time, on application by the operator renew the approval.

However, the local government must, on application for renewal of an approval made before the end of the term for which the approval was granted or last renewed, renew the approval for a further term unless—

- (a) the local government has given the operator reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.¹⁵

¹⁵ Proper grounds for cancellation of an approval exist if an operator fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

Schedule 25 **Bringing or driving motor vehicles onto a park or reserve**

Section 11

Intentionally blank

Schedule 26 **Bringing or driving prohibited vehicles onto
motor vehicle access areas**

Section 11

Intentionally blank

Schedule 27

**Use of bathing reserves for training,
competitions etc**

Section 11

Intentionally blank

Schedule 28 **Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee**

Section 11

Intentionally blank

Schedule 29 **Parking in a loading zone by displaying a commercial vehicle identification label**

Section 11

Intentionally blank

Schedule 30 Carrying out works on a road or interfering with a road or its operation

Section 11

1 Prescribed activity

Carrying out works on a road or interfering with a road or its operation (Local Government Act 2009, section 75(2))

2 Activities that do not require approval under the authorising local law

Not applicable

[This is not a prescribed activity that a local government can make exemptions about because the approval is required under the Act.]

3 Documents and materials that must accompany applications for approval

The type of documents and materials required must include—

- (a) full details of the proposed works on the road or interference with its operation; and
- (b) if the applicant proposes to erect or install a structure on, over or under the road – plans and specifications of the structure; and
- (c) details of building or other work to be carried out under the approval.

4 Additional criteria for the granting of approval

Additional criteria with which applications for approval for the prescribed activity must be consistent. These are more specific criteria that are additional to the general criteria stated in section 9(1) of the authorising local law. For example—

The application includes adequate measures to minimise the interference with the usual use of the road and protect public health and safety.

5 Conditions that must be imposed on approvals

Conditions must for example—

- (d) require compliance with specified safety requirements; and
- (e) the approval holder to give the local government specified indemnities; and
- (f) require the approval holder to take out specified insurance indemnifying
- (g) persons who may suffer personal injury, or loss or damage, as a result of the work; and

- (h) require the approval holder to maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
- (i) require the approval holder to remove a structure erected or installed under the approval at the end of a stated period.

6 Term of approval

The term of an approval is decided by the local government when it grants the approval or renewal.

7 Term of renewal of approval

The local government may, from time to time, on application by the operator renew the approval.

However, the local government must, on application for renewal of an approval made before the end of the term for which the approval was granted or last renewed, renew the approval for a further term unless—

- (a) the local government has given the operator reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.¹⁶

¹⁶ Proper grounds for cancellation of an approval exist if an operator fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

Certificate

This and the preceding sixty-two (62) pages bearing my initials is a certified copy of *Subordinate Local Law No. 1 (Administration) 2013*, made in accordance with the provisions of the *Local Government Act 2009*, by the Burke Shire Council by resolution dated 18th April, 2013.

John Page
Chief Executive Officer